SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS-CUM-SECRETARY,
FORESTS, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT
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No 14/Adm.FEWMD **Date 4/10/2008.**

NOTIFICATION

In exercise of the power conferred by Section 22 read with Sub-Section (2) of Section 16 of the Sikkim Ecology Fund and Environment Cess ACT, 2005(1 of 2005), the State Government hereby makes the following rules, namely:-

1. Short title and Commencement.

1) These rules may be called the Sikkim Ecology Fund and Environment Cess (Management of Fund) rules 2008.
2) They shall come into force at once.

2. Definitions. In these rules, unless the context otherwise requires:-

1) a) "Act" means the Sikkim Ecology Fund and Environment Cess Act 2005 (1 of 2005);
   b) "Authority" means the Sikkim Ecology Fund and Environment Cess Authority constituted under section 3 of the Act;
   c) "Work Committee" means Committee constituted under rule 8;
   d) "Chairperson" means the chairperson of Sikkim Ecology Fund and Environment Cess Management Authority;
   e) "Form" means form prescribed by The Sikkim Ecology Fund and Environment Cess Management Authority.
   f) "fees" means fee prescribed in the Schedule by Notification;
   g) "member" means the member of the Sikkim Ecology Fund and Environment Cess Management Authority constituted under Sub- Section(3) of Section 3;
   h) "Nodal Officer" means the Nodal Officer appointed for the Management of Sikkim Ecology Fund and Environment Cess;
   i) "Section' means a section of the Act;
   j) "words and expression used but not defined in these rules and defined in the Act shall have meaning respectively assigned to them in this Act.

3. **Manner of selection and appointment of the Chairperson**

(1) The Chairperson of the Sikkim Ecology Fund Environment and Cess Management Authority shall be appointed by the State Government by notification under the Act.

(2) Every appointment of the Chairperson should be not below the rank of Additional Principal Chief Conservator of Forests.

4. **Terms of Office of the Chairperson.**

(1) The Chairperson of the Authority shall hold the office for a term of five fixed years and shall be eligible for re-appointment: Provided that no Chairperson shall hold office as such after he attains the age of sixty years or for a term of five years from the date the enters upon his office whichever is earlier.

(2) Chairperson may resign from his office by giving at least one month's notice in writing to the State Government.

5. **Management of fund.**

(1) The Principal Chief Conservator of Forest, Forests, Environment and Wildlife Management Department shall be the authority for management of fund water & sub- section (1) of Section 16 of the Act. He shall be assisted by the Conservator of Forest (Land Use and Environment) who shall be the Nodal officer for Ecology Fund and Environment Cess Management.

(2) The account/relevant record shall be maintained by the Chief Account Officer, Forest, Environment and Wildlife Management Department, Government of Sikkim. All financial transactions shall be done as per the provision of the Sikkim Financial Rules. However, if deemed necessary, specific forms for submission of financial/physical target achievement may be prescribed duly approved by the Sikkim Ecology Fund and Environment Cess Management Authority. The funds shall be judiciously utilized for the purpose of protecting environment and improving the quality of environment, controlling and abating environmental pollution and taking adequate measures for restoration of ecological balance on long term sustainability. The following are the base areas for fund utilization, namely:-

(a) **Environmental Education**:-

i) support for National Green Corps;
ii) support for existing of National Green Corps nature clubs of schools and extension thereof;
iii) generation of literature for the improvement of local environment;
iv) improvement and protection of school environment programme;

(b) Restoration of ecologically fragile spring water resources of the State.
(c) Creation of green belt/wind break corridor along the industrial zone.
(d) Treatment of pollution of nallah /jhoras.
(e) Celebration of World Environment Day/Van Mahaotsava Wildlife week etc.
(f) Improvement of popular good will, cooperation of forest workers.
(g) Grazing-alternatives & livelihood issues alternatives.
(h) Control on Basmey/shifting cultivation practice.
(i) Control and management of private forests.
(j) Improvement of tree lands of agriculture area.
(k) Village forest/sacred groves improvement.
(l) Re-conditioning of hills/landscape.
(m) Control of Landslide and Erosion.
(n) Control of avalanche.
(o) Improvement of conifer forests.
(p) Forest research.
(q) Capacity building of field staff, Joint Forest Management Committee, Gram Panchayat, and Local youth.
(r) Ex-gratia payment of wildlife kills.
(s) Promotion of Eco-Tourism development
(t) Environment Information System support for Forests, Environment & Wildlife Management Department, Government of Sikkim.

(u) Honorarium Perks for State Environment Impact Assessment Authority and State Level Expert Appraisal Committee under Environment Clearance Notification No S.O. 1533 (E) dated 14th September, 2006.

(v) i. Promotion of highly rare and endangered medicinal herbs.
ii. Promotion and improvement of highly endangered local species such as Oak, Hemlock, Dhar, Khamari, Juniper, Taxus.etc.

(w) Improvement of ecosystem.

(x) Monitoring of abiotic factors including glacier, snow, precipitation, silt yield etc.

(y) Support for ex-situ conservation.

(z) Any other activity/work of which Principal Chief Conservator of Forest may deem fit.

6. Meeting of the Authority and the Quorum.

(1) There shall be an Annual General Meeting of the Authority in the month of April/ May every year or as may be felt necessary by the Chairperson. In the Annual General Meeting of the Authority the Conservator of Forests (Environment)/Nodal Officer on behalf of the Authority shall place.

(a) an administrative report on the activities of the authority since, the last General meeting;

b) the Budget estimate of the Authority for the next financial year and proposal, if any, for the revision of the budget estimates for the current fiscal year.

(c) the audit report with the audited account of the Authority for the period in respect of the which audit has been completed;

(d) any other business that may be brought forward for discussion at the meeting with the approval of the chairperson.

(2) The meeting of the Authority shall be presided over by the Chairman or in his absence by a member elected from amongst themselves by the members present at the meeting;

(3) At least three meetings of the Authority shall be held in a year.

(4) Not less then fifteen clear days notice for every meeting of the Authority shall be given to each member.

(5) Six members (including one nominee of Development Planning, Economic Reforms and North East Council Affairs Department and Finance Revenue and Expenditure Department, Government of Sikkim shall constitute the quorum at any meeting of the Authority.

(6) In case of difference of opinion amongst members in a meeting, the opinion of the majority shall prevail. The Chairman may refer any question, which in his opinion is of sufficient importance to justify such reference for the decision of the Government and the decision of the Government shall be binding on the Authority.

(7) Any business which may be required to be placed before a meeting of the Authority may be carried out by circulation amongst all the members and any resolution as circulated and approved by the majority of the members signing shall be as effectual and binding as if such resolution had been passed at a meeting of the Authority. Provided that at least representatives of Development Planning, Economic Reforms and North East Council Affairs Department and Finance Revenue and Expenditure Department, Government of Sikkim have recorded their views on the resolution.

(8) The proceedings of the meetings of the Authority shall be recorded by an officer of the Authority entrusted with the work in the form of minutes and such minutes shall be forwarded to
(a) all members (b) Government of Sikkim, within a month after the meeting.

7. Power and duties of the Chairperson.

(1) The Chairperson of the Authority shall be responsible for management and execution of the works under Ecology Fund and Environmental Cess Management.

(2) It shall be the duty of the Chairperson to ensure that all accounts are kept in proper form as per the provision of the Sikkim Financial Rules.

(3) The Chairperson shall prescribe the duties of all officers of the authority and shall exercise such supervision and disciplinary control as may be necessary.

(4) The Chairperson may sign all contracts on behalf of the State Government.
(5) It shall be the duty of Chairman to guide and coordinate and exercise general supervision overall planning, execution and monitoring.

8. Work Committee. There shall be a work committee consisting of the following members namely:-

(1) Additional Principal Chief Conservator of Forests (Environment) Forest, Environment and Wildlife Management Department, Government of Sikkim.
(2) Chief Conservator of Forest (Environment) Forest, Environment and Wildlife Management Department, Government of Sikkim.
(3) Chief Conservator of Forest (Territorial).
(4) Conservator of Forest (Land Use & Environment), Forest, Environment and Wildlife Management Department, Govt. of Sikkim.
(5) Chief Account Officer, Forest, Environment and Wildlife Management Department, Government of Sikkim.
(6) Special Secretary (Income Tax and Commercial Tax).
(7) All Divisional Forest Officers (Land Use and Environment), North / East / West / South/Environment & Pollution Control.

All matters relating to creation, execution and maintenance of ecological restoration, improvement and mitigation of jhora, plantation, landscape, protection etc. shall be examined by the work committee who shall record, verify and justify the recommendation for consideration by the authority.

9. Powers and function of the Authority The function of the Authority shall be-

(a) to protect and improve the quality of environment, controlling and abating environmental pollution and take measures for restoration of ecological balance of the state through effective coordination of different departments/Community and other authorities under the Act;
(b) to formulate methodologies for improvement of environment and rejuvenation of ecological balance through environmental education, information system, treatment, capacity building, improvement of popular goodwill and corporation, outsource control and improvement protections of village forest, sacred grove improvement, landscaping and reconditioning of hills, control of land, erosion and avalanche and conservation of rare flora, forest research and technology development of silviculture, provide Exgratia payment of wildlife kills, promotion of rare and endangered medicinal plants and improvement of hi-tech nursery;
(c) to amend, alter, modify, cancel and make rules and regulations under relevant chapters of the Act;
(d) to prepare and execute details, plans, estimates and programmes for ecological improvement and restoration;
(e) to prepare the annual budget estimates process for sanction;
(f) to give sanction on technical issues;
(g) to appoint committee for execution of the work;
(h) to prepare all business for transaction at the Annual General Meeting of the authority;

10. Financial resources

(1) There shall be a fund to be called The Sikkim Ecology Fund established under Sub-section (1) of Section 13 of the Act.
(2) All money received /transferred from the Government treasury, collected or as Environment Cess other account whatsoever, shall be credited to the Sikkim Ecology Fund and Environment Cess Fund.
(3) The expenditure incurred by the Authority shall be paid out of the Sikkim Ecology Fund and Environment Cess Fund.

11. Audit

(1) The accounts of the authority shall be audited in May every year or as soon hereafter as possible by Audit Office as is done in case of other business.

(2) The Audited accounts with the Audit Report shall be considered by the Authority in a meeting and shall be placed before the Annual General Meeting of the Authority. Copies of these accounts and audit report together with the Authority Comments therein shall be submitted to the Finance, Revenue and Expenditure Department, Government of Sikkim not later than 31st December every year.

12. Estimation & Building.

Every year the Authority shall cause to be prepared the revised estimates of the current financial year and the budget estimate for the next financial year by April every year

S.T. Lachungpa, IFS
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File No. 125/LU&Env.